



Arlington Conservation Commission

Date: October 20, 2022

Time: 7:00 PM

Location: Conducted by Remote Participation

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, Pam Heidell, David Kaplan, David White, and Nathaniel Stevens. Associate Commissioners Cathy Garnett and Myra Schwartz. Conservation Agent David Morgan.

Members of the Public: Cybille MacDonald, Mary Trudeau (Environmental Monitor, 88 Coolidge), Jonathan Nyberg (Owner, 88 Coolidge), Chad Smutzer (Structural Design Engineer, 88 Coolidge), Sonny Ferrante (Builder, 88 Coolidge)

Minutes

I. [7:05 PM] Administrative

1. Approval of October 6, 2022, meeting minutes
M. Gildesgame motioned to accept the minutes as edited. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.
2. Approval of FY24 Conservation Agent Salary Offset
D. Morgan summarized the balances of Conservation Commission accounts and requested a 10% offset of the Agent's salary be approved by the Commission for FY24. N. Stevens motioned to approve the offset. D. Kaplan seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.
3. Approval of 2023 Conservation Commission Meeting Schedule
D. Morgan suggested Conservation Commission meeting dates for the 2023 calendar year. The Commission requested corrections to the schedule be presented at the November 3, 2022, meeting.

II. Updates

1. Water Bodies Working Group
D. Morgan shared that variable milfoil was discovered in Spy Pond. Treatment should occur in the spring, therefore there is no need to approve the permit before a date certain in 2023.

D. Morgan said that he would request a budget from the Friends of Spy Pond Park for the 2023 calendar year.



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D. Morgan showed a draft sign he proposed posting at harmful algal bloom sites, most urgently at Hill's Pond. He agreed to revise and simplify the wording.

D. White mentioned there was a pump that supplied extra water to the pond that could be reactivated. D. Morgan commented that Menotomy Rocks Park is being fertilized regularly, likely contributing to the harmful algal bloom occurrences.

2. Park & Recreation Commission Liaison

C. Garnett said that sometimes dust from the on-going construction becomes an issue at Hurd Field. The construction will be wrapped before winter and the site seeded and prepared for use in the spring. D. Kaplan asked D. Morgan whether he had evaluated the dust issues. D. Morgan said that the contractor was aware of the problem and had been using typical dust control measures.

3. Tree Committee Liaison

No update.

III. Discussion

1. Endorsement of Gas Leaks Task Force Resolution to the Select Board

D. Morgan requested that the Conservation Commission endorse a resolution to be submitted to the Select Board by the Gas Leaks Task Force. D. White motioned to endorse the resolution. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.

2. Residences at Mill Brook (1021 Mass. Ave.) 40B Comprehensive Permit Submission

N. Stevens summarized the proceedings of the first meeting of the ZBA concerning the Residences at Mill Brook. He stated that the plans presented were different than those brought to Conservation Commission working sessions and that he expected fee waivers to be requested but no others. S. Chapnick volunteered to draft a letter commenting on the permit on the Commission's behalf. P. Heidell said the previously issued letter responding to the site eligibility application submission could be modified; S. Chapnick agreed. N. Stevens and P. Heidell volunteered to help draft the letter.



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3. 16 Forest Street Notice of Violation

C. Garnett expressed concern that the proposed replacements, sweetgums, were too large for the site. D. Kaplan mentioned that the plan included sewer lines in the proposed planting area. C. Garnett agreed to review before the next meeting.

4. 17 Mill Street Enforcement Order

N. Stevens motioned that the existing enforcement order be revised to define the work as replacement of the patio in kind, that work can be resumed, incorporate native mitigation plantings, and be overseen by Hancock Associates and the Conservation Agent. D. Kaplan seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.

C. MacDonald said that the DEP file number on the Mill Street fence is an old sign.

5. 88 Coolidge Road Enforcement Order

D. Morgan summarized the applicant's response to the existing enforcement order, including that all heavy machinery was removed from the site, that Environmental Monitor M. Trudeau visited and recommended no action for securing the site, and that M. Trudeau had stated such in an email sent October 16, 2022.

S. Chapnick stated that the Commission was in receipt of a letter from an attorney concerning the project, but that the letter was not received in time to be included in the materials for the current meeting. S. Chapnick said that the letter will be included in a future hearing should the applicant proceed with amending the Order of Conditions.

M. Trudeau corrected that her October 16, 2022, site visit resulted in repair and replacement of erosion and sedimentation controls, and that the changes will be noted in her next report.

D. Morgan reminded M. Trudeau that the Order of Conditions requires the Environmental Monitor to visit after precipitation events of > 0.1".

C. Smutzer, P.E. stated that it was his professional opinion that the house will need to be pinned to the ledge and that additional ledge will need to be removed to get to stable ground; the ledge at the surface has fractured. S. Chapnick said that the change in site conditions likely results in new hydrogeology that will affect the adjacent wetland resource areas, and that



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further evidence would be needed to prove that the resource areas would not be affected by pinning the structure to ledge.

N. Stevens suggested that the Applicant file for an Amended Order of Conditions, at which point the Commission could hire a peer reviewer to evaluate possible changes in hydrogeology.

M. Trudeau reiterated her request (made previously by email to D. Morgan) for copies of the hydrogeology reports accompanying the public hearings for the Notice of Intent for 88 Coolidge.

S. Ferrante reiterated that the conflict between state building code and the Order of Conditions rendered the site unbuildable. He pointed out that there is a note on the approved plans to discuss pinning the structure with the structural engineer. N. Stevens clarified that the Order of Conditions supersedes any plan details.

P. Heidell said that the peer review should be at the Applicant's expense. D. Kaplan thought that the process of selecting the peer reviewer should be reviewed by the Commission.

M. Trudeau said that the Applicant will be submitting for an Amended Order of Conditions and likely hiring their own hydrogeologist.

C. Tirone directed that securing the site for winter be added to the enforcement order. N. Stevens added that the Applicant would need to seek and obtain an Amended Order of Conditions before work would be allowed to resume. C. Tirone reminded that the existing Order of Conditions is still in force and effect.

C. Tirone motioned to issue the amended enforcement order. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.

6. Draft Arlington Wetland Bylaw Regulation Updates

D. Morgan summarized proposed changes to the regulations.

S. Chapnick pointed out that there is sufficient evidence now to support banning artificial turf fields in resource areas.

P. Heidell noted that there were parts of the Land Subject to Flooding



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section that ought to be revisited, including the ratio of compensatory flood storage for projects disturbing less than 10 cubic feet, and the summary of the Floodplain District zoning bylaw, which should be removed. P. Heidell also suggested reiterating findings about intermittent streams and asked whether the default permit duration should be five years. D. Morgan said that shorter periods were preferable from the Agent's perspective because they allow for adaptive management. S. Chapnick suggested allowing permits to be issued for "up to five years".

S. Chapnick advocated for using the NOAA++ standard. P. Heidell pointed out that DEP hasn't yet changed their regulations to use the NOAA+ standard and indicated that some members of the DEP stormwater management advisory committee have suggested using different standards for pre- and post-(re)development conditions. Someone suggested using one set of data for existing conditions and another for proposed conditions. D. Morgan asked whether there could be a size threshold for determining whether the more stringent standard applies. P. Heidell said that, since the flooding effects are cumulative, that approach would not make sense.

P. Heidell offered to write a memo summarizing the different standards. D. Morgan offered to discuss the proposed changes with Engineering.

IV. [8:00 PM] Hearings

1. Notice of Intent: Spy Pond Aquatic Invasive Management (Continued) Documents: Spy Pond Aquatic Invasive Management NOI Package

D. Morgan reported that treatment for variable milfoil would be better done in spring, which means there is no urgency to approve the Order of Conditions before the start of 2023. He said that the Notice of Intent does not elaborate on which manual removal methods are to be used and that the Commission could designate those in the Order of Conditions. He suggested continuing the hearing to February 2, 2023.

D. Kaplan suggested drafting a menu of manual removal options.

D. White motioned to continue the hearing until the February 2, 2023, meeting of the Conservation Commission. D. Kaplan seconded the motion. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, D. White – yes.



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M. Gildesgame motioned to adjourn. Meeting adjourned at 9:49 PM.